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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/809,761 | 03/25/2004 | Charles R. Stewart | 61683-00004USPT |

24238
 JENKENS & GILCHRIST
 1401 MCKINNEY
 SUITE 2600
 HOUSTON, TX 77010

CONFIRMATION NO. 8658

FORMALITIES LETTER



OC000000013858639

Date Mailed: 09/21/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 9-12.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.


11/15/2004 EHAILE1 00000066 10809761

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65.00 DP

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

| | | | |
|---|----|------------------------|--------------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | | Application Number | 10/809761 |
| | | Filing Date | March 25, 2004 |
| | | First Named Inventor | Charles R. Stewart |
| | | Art Unit | 1653 |
| | | Examiner Name | Not Yet Assigned |
| Total Number of Pages in This Submission | 12 | Attorney Docket Number | 61683-00004USPT |

ENCLOSURES (Check all that apply)

| | | |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to TC |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Terminal Disclaimer | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Request for Refund | Part 2 Copy of Notice |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> CD, Number of CD(s) _____ | Return Receipt Postcard |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> Landscape Table on CD | Check for \$65.00 #183049 |
| <input checked="" type="checkbox"/> Reply to Missing Parts/ Incomplete Application | Remarks | Declaration and Power of Attorney |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | | Drawings - Figs. 9-12 |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|---|----------|--------|
| Firm Name | JENKENS & GILCHRIST, A PROFESSIONAL CORPORATION | | |
| Signature | | | |
| Printed name | Tamsen Valoir, Ph.D. | | |
| Date | 11-8-2004 | Reg. No. | 41,417 |

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 11/8/04

Signature: Susan B. Jensen

(Susan B. Jensen)



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Dated: 11/8/04 Signature: Susan B. Jensen
(Susan B. Jensen)

Docket No.: 61683-00004USPT
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Charles R. Stewart et al.

Application No.: 10/809761

Filed: March 25, 2004

For: ANTIMICROBIAL PROTEINS FROM THE
SPO1 BACTERIOPHAGE

Confirmation No.: 8658

Art Unit: 1653

Examiner: Not Yet Assigned

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Missing Parts of Application mailed September 21, 2004, Applicant respectfully submits the response, Figs 9-12 and associated papers.

Our check in the amount of \$65.00 covering the fee set forth in 37 CFR 1.16(e) is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 10-0447, under Order No. 61683-00004USPT (TVV). A duplicate copy of this paper is enclosed.

Dated: 11.8.2004

Respectfully submitted,

By T. Valoir
Tamsen Valoir, Ph.D.

Registration No.: 41,417

JENKENS & GILCHRIST, A PROFESSIONAL
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